

CHSP

cas. 2:05-cv-02395-BBD

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE, WESTERN DIVISION

Court Date 5/20/05

OLEN M. BAILEY, JR. Individually,)
 TERESA W. BAILEY, Individually, THE)
 BAILEY LAW FIRM, A Professional)
 Corporation; and OLEN M. BAILEY, JR.)
 and TERESA W. BAILEY, as Successors)
 of UNBORN BAILEY BABY GIRL,)

No.: 04-2395 DP

Plaintiffs,)

V.)
)

DECK-WHITE STATION TOWER, LLC;)
 DECK-WHITE STATION MANAGER,)
 LLC; KAUFMAN PROPERTIES, INC.;)
 KAUFMAN REALTY GROUP, LLC;)
 TRAMMEL CROW COMPANY, P.C.,)
 INC.; SANITORS, INC.; and JOHN/JANE)
 DOES, Individually)

Defendants and Third-Party)
 Plaintiffs)

V.)
)

D.L. SCHMITZ WATERPROOFING &)
 RESTORATION COMPANY, INC., and)
 KERMIT B. BUCK & SON, INC.,)

Third-Party Defendants.)

ROBERT G. TROLL
 CLERK, U.S. DISTRICT COURT
 NO. 04-2395 DP

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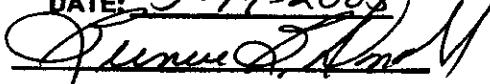
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FILED BY: J. DC



MOTION GRANTED

DATE: 5-19-2005


BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

**JOINT MOTION FOR CONTINUANCE
 AND FOR SECOND AMENDED JOINT SCHEDULING ORDER**

Come all plaintiffs and all defendants, by and through counsel, pursuant to the Federal Rules of Civil Procedure and Local Rule 7.4 and hereby jointly move the Court for a continuance of the trial in this matter which is currently set to be heard on December 19, 2005 and further move for the entry of the Second Amended Joint Scheduling Order filed simultaneously herewith.

In support of this Motion, the movants would show the Court as follows:

This document entered on the docket sheet in compliance
 with Rule 58 and/or 79(a) FRCP on 5/20/05

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1. The Plaintiffs filed their original Complaint on May 27, 2004.
2. The Defendants named in the original Complaint filed their Answer and Third-Party Complaint on July 22, 2004.
3. The Third-Party Defendant D.L. Schmitz Waterproofing & Restoration Co., Inc. was served with process on or about August 23, 2004; the Third-Party Defendant Kermit B. Buck & Son, Inc. was served with process on October 4, 2004.
4. The Plaintiffs filed their First Amended Complaint on October 22, 2004.
5. This case involves claims of personal injury and property damage related to Plaintiffs' alleged exposure to mold.
6. Although some of the parties have engaged in some written discovery, the newly-added parties have not yet engaged in written discovery. Further, no depositions have yet been taken, and the movants are unable to evaluate the case fully and accurately until further discovery, and in particular expert discovery, has been completed.
7. The trial of this matter is estimated to take at least five (5) days.

WHEREFORE, the parties jointly hereby move the Court for entry of an Order continuing the trial of this matter, to commence on a later date by agreement of the parties and further move the Court to enter the Second Amended Joint Scheduling Order filed simultaneously herewith, with the trial date to be re-set by the Court at a later date.

Respectfully submitted this 14 day of May, 2005.

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Attorney's for Plaintiffs

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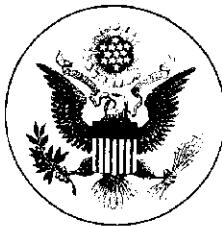
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on all counsel of record by placing postage prepaid envelope in United States Mail Service addressed to them as indicated below their signatures.

This the 11 day of May, 2005.

W. H. Bennett _____



Notice of Distribution

This notice confirms a copy of the document docketed as number 66 in case 2:04-CV-02395 was distributed by fax, mail, or direct printing on May 20, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT